

## **REPORT TO CONNEXIONAL PROPERTY COMMITTEE**

### **ECCLESIASTICAL EXEMPTION**

#### **Report on the work of the Conservation Officer and the operation of Section 98 Procedures, 2005**

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This is the eleventh annual report on the operation of the adopted procedures of the Methodist Church in respect of Ecclesiastical Exemption.

In December 1992 the Department of National Heritage issued a Code of Practice for the control of works to places of worship which are listed buildings or are within conservation areas and indicated that those Churches which adopted the Code would continue to enjoy ecclesiastical exemption from listed building and conservation area control by local planning authorities. Subsequently, The Ecclesiastical Exemption (Listed Buildings and Conservation Areas) Order 1994 came into force on 1 October 1994. Section 98 of Standing Orders sets out the detailed procedures to be followed before the Connexional Property Committee considers whether to approve a scheme for "listed building works".

Although this report is primarily concerned with schemes that had to be considered under Section 98 of Standing Orders during 2005, this represents only a "snapshot" of the work of the Conservation Officer. The full picture is one of a process which stretches over a number of years as many of the schemes approved in any one year started the process in the previous year or years. Similarly, the visits and preliminary discussions carried out during 2005 will often result in schemes being submitted in later years.

During 2005, schedules were received for 253 schemes affecting listed buildings and buildings in conservation areas. These all had to be checked to determine whether Section 98 would apply. The Conservation Officer visited thirty-seven chapels during the year, either to discuss ideas for schemes or potential schemes or to see completed schemes.

These initial discussions are an important element of the process. It is often possible to advise churches not to proceed with inappropriate options at an early stage and thus save time and energy. Similarly, schemes can often be modified to

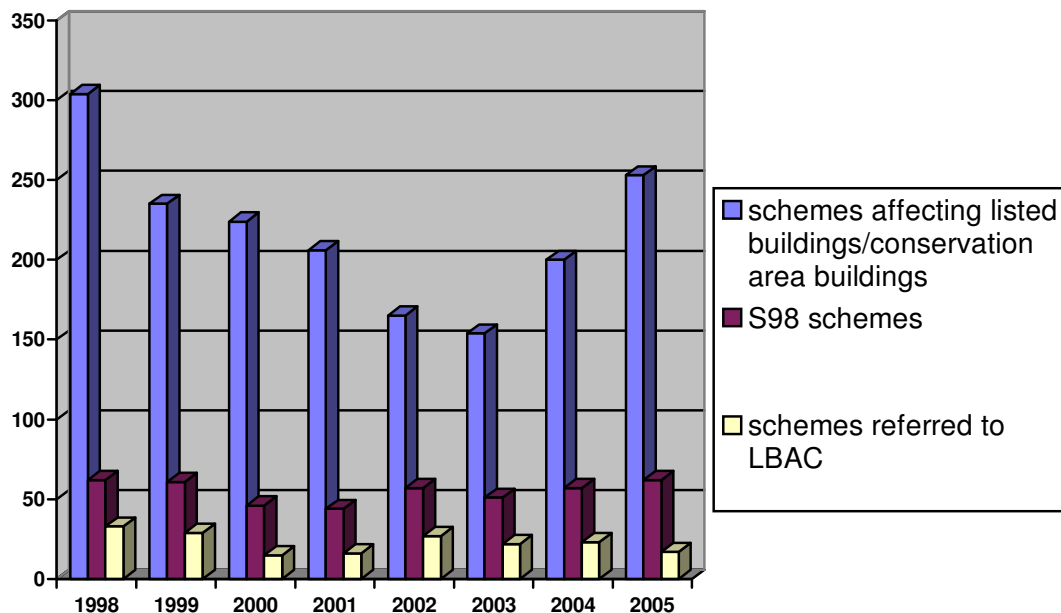
reduce the impact of changes to historic fabric. This is much easier for everyone to accept if discussions are held before the scheme is finalised.

Sixty-two schemes successfully completed the procedures set out in Section 98 of Standing Orders during 2005 and these are listed in the Appendix. It should be noted that successful completion of these procedures is not the same as full scheme approval. A scheme is only approved when all outstanding matters, e.g. financial viability and grant submissions, have been resolved and Section 98 only relates to the listed building or conservation area element of a scheme. For large schemes it is usually finance which is the last matter to be resolved.

Of the sixty-two schemes, two were in respect of grade II\* buildings, the remainder grade II.

Table 1 below shows that there has been an increase in the overall number of schemes affecting chapels which are listed or in conservation areas. There has been an increase in the number of section 98 schemes but, as can be seen from the table below, a smaller number was referred to the LBAC.

**Table 1**



## Listed Buildings Advisory Committee

The established procedure of the Listed Buildings Advisory Committee (LBAC) is that schemes that only involve minor alterations of limited importance to the character of historic chapels do not need to be individually considered by the LBAC, providing they fall within policy guidelines specifically approved by the LBAC or established by previous LBAC decisions. As a result, seventeen of the schemes completing the procedures during the year were considered by the LBAC. This is lower than the number of schemes dealt with by the LBAC in the previous year (23). Again, far more schemes in total were referred to the LBAC, but not all of them completed the Section 98 procedures during the year. There has to be the application of some judgement as to what should be referred otherwise the agendas for the quarterly meetings would be overloaded.

The LBAC was notified, however, of all of the schemes received and was free to request details of any of them. This occurred in several cases.

## Consultations

Under Standing Order 982, in addition to the advice of the LBAC, the connexional Property Committee has to consult with the Local Planning Authority, the National Amenity Societies and either English Heritage or, in Wales, Cadw. In addition a public notice has to be displayed for 28 days outside the affected building and a similar notice published in a local newspaper, so that interested parties can comment on the proposed scheme. As a result of the Newman Report in 1997 into Ecclesiastical Exemption it was agreed that it would only be necessary for a newspaper advertisement to be placed when the scheme affected the external appearance of the building or was in respect of a grade I or II\* building.

Although there are six National Amenity Societies, it has been agreed that the connexional Property Committee only needs to send details to the Ancient Monuments Society, the Georgian Group and the Victorian Society, and they will in turn inform the other three societies as appropriate. This arrangement is particularly beneficial in reducing unnecessary bureaucracy and paperwork as we have almost no chapels that pre-date 1715 (the end date for the Society for the Protection of Ancient Buildings), a small but increasing number of listed chapels post 1914 (the start date for the Twentieth Century Society) and, although Methodist sites are of general interest to the Council for British Archaeology, there is no formal requirement to consult them over proposals.

During 2005, four of the sixty-two schemes that successfully completed the Section 98 procedures were within Wales. Cadw responded on all schemes raising no objection to any of them but querying the type of guttering on one scheme. Of the remaining fifty-eight schemes, English Heritage commented on fifty-six, raising

objection to four schemes and expressing some reservations about matters of detail on three. In most cases the concerns were dealt with by negotiation with the applicants, resulting in revisions to the submissions, or by imposing conditions on the approvals. The objection to the removal of pews at **St John's, Loddon** was based on a mistaken understanding that the pews were original whereas there was clear evidence that they were relatively recently introduced and modified examples of limited interest. The Ancient Monuments Society responded on fifty-one schemes, giving detailed comments on twenty-three of them. Objection was raised to the unauthorised removal of the ground floor pews at **Sticker**. The Georgian Group commented on two schemes, with two deferrals to the Victorian Society. The Victorian Society responded to forty-five of the consultation requests, with four deferrals. Comments on matter of detail were made on three cases.

Local Planning Authorities responded to thirty-four of the requests for comments. Twenty-one of these representations merely indicated that they had no objection. Nine comments were made on matters of detail. Four objections were raised: at **Westcote** to the extension, at **Westborough** to the window protection (although planning permission was granted) at **Lune Street, Preston** to the design of a ramp (subsequently redesigned and approved) and at **Sticker**.

Two schemes produced representations from the general public. At **Penryn**, a neighbour requested more information. At **Lune Street**, nineteen individual letters of support were received with a further four letters of support from organisations using the building.

### Time-scale

One of the concerns regularly expressed about the Section 98 procedures is the delay that it may create. For major schemes this is seldom a problem as the financial issues are generally the last to be resolved. The procedures do, however, build-in an automatic delay for small schemes because of the four week consultation period. Sometimes delays are caused by the applicant trustees because they do not follow the correct procedures or fail to respond promptly to requests for more information or delay posting the site notice.

If everything runs smoothly, all the information is to hand when the Schedule arrives in the office and no objections or comments are received, it is possible to minimise delays. Twenty-two schemes completed the Section 98 procedures within only eight weeks, compared to nine in 2004. Seventeen of the sixty-two schemes completed the procedures within nine to twelve weeks, with a further ten taking between thirteen to sixteen weeks. The remaining thirteen took over sixteen weeks, a decrease from twenty-six schemes in 2004. The schemes with the longest delays were generally major proposals that required modification as a result of objections or comments. In other cases there were considerable delays

waiting for information necessary to carry out consultations. The longest delay – sixty-six weeks - was at **South Petherton** where the confirmation of the posting of the Site Notice was not returned. Once it was received the decision notice was issued. Some other schemes such as that at **Market Rasen** took up to two years before approval was given, partly due to the complexity of the schemes and the need to resolve many matters of detail as well as the need to secure major lottery grants. Conversely some major schemes received approval in a relatively short timescale because of the extensive negotiations, perhaps including an informal consultation, which were carried out before a submission was made. One such example was **Paulton Central** which received approval two weeks after receipt of the schedule.

As already indicated the majority of schemes were not of a major nature and did not prove to be particularly controversial. A few, however, proved to be more complex as indicated below.

### Complex Schemes

#### **Sticker**

The unauthorised removal of the majority of ground floor pews led to a lengthy investigation as to the causes. Poor record keeping and lack of continuity at ministerial level led to a mistaken belief that the chapel was not listed. The Connexional Property Committee concluded that the pews were not of great interest and that an application for their removal would have been approved. By way of sanction, however, substantial grants were withheld.

#### **Swaffham**

One of two staircases leading to the gallery was removed without permission in dealing with an outbreak of dry rot. Of the consultees only the Ancient Monuments Society raised no formal objection. The LBAC also expressed their concerns. Statements of Need and Significance and an access audit were requested and subsequently been provided. In mitigation, the managing trustees pointed out that the urgent removal of the staircase was necessitated by the discovery of a severe outbreak of dry rot. There was also a need to provide wheelchair access into the chapel and improve access for funerals which had always caused difficulty.

PPG15 states that the loss of an original staircase would not normally be acceptable. Access to the gallery is now restricted to the remaining staircase and its future usefulness for providing additional seating is thus compromised. The gallery had not, however, been used for many years other than for storage partly due to the steep and narrow stairs. The question of the provision of access for all is also an important consideration. The access audit concluded that it was desirable that wheelchair access should be provided at the front of the chapel. The only alternative to the removal of the stair would be the creation of a new central access

from the portico. This would involve the loss of more significant original fabric and dramatically alter the front elevation of the building.

In conclusion, it was considered that on balance, an application to remove the staircase would have been acceptable. Retrospective consent for the work was given but grant aid to a future scheme is to be withheld.

### **Lune Street, Preston**

The proposed ramp at the front entrance to the chapel resulted in objection from the Local Planning Authority. The Listed Buildings Advisory Committee also expressed strong reservations. As a result an access audit was commissioned which concluded that a ramp was the only solution which would provide adequate access for the users of the building. Concern remained, however, over the visual impact and compliance with the necessary access standards. Negotiations with the Local Authority satisfied the latter point while revisions to the design were deemed sufficient to allow the scheme, on balance, to be approved.

### **Market Rasen**

The proposed removal of the three front pews in this II\* chapel brought objections from English Heritage and the Listed Buildings Advisory Committee. The other consultees, however, raised no objection. Lengthy discussions with the applicants, including visits by two members of the LBAC, the Connexional Property Secretary and the Conservation Officer resulted in a modification of the proposal, restricting removal to two pews only. The scheme was then approved.

### Refusals and Appeals

No schemes were refused during the year.

The Appeals process is reviewed regularly in the light of experience and comments received. Formal alteration, however, can only be made with the agreement of the Connexional Property Committee (or its successor body).

### **New Room, Bristol**

The appeal against the refusal of permission to remove the ground floor pews was held at the site. The decision of the Appeals Panel was to allow the removal of the front two pews only. In issuing the decision the Panel emphasised that the building does reflect its history and evolution and not only its historical connection with John Wesley, although the latter is of paramount importance. However, the Welsh Calvinistic Methodist phase is an important period in the life of the New Room and this had to be recognised.

The arguments for and against the removal of the pews were finely balanced. On the one hand there was an acknowledgement of the needs of the Managing Trustees to use the building for public worship and events; on the other hand

both parties stressed the uniqueness of this the most important Methodist building in the world.

### General Principles

As a result of our experience with these schemes and other schemes which are still under consideration, it is possible to make some general comments about the type of alterations which are generally acceptable in listed buildings.

Alterations to entrance areas, vestibules and other spaces inside the main doors of chapels are generally acceptable to the conservation bodies, particularly when they are sited under galleries. This stems from a recognition that the interior of chapels were generally designed to be seen when seated and looking forward and therefore alterations around the entrance do not affect the interior character significantly.

There is rather more concern about alterations to communion areas, although it appears to be generally accepted that the need for greater flexibility justifies the enlargement of communion areas, provided that original communion rails are retained, usually by being made capable of temporary removal. The removal of some pews from the front of chapels is generally acceptable. The loss of pulpits and organs is generally, however, strongly resisted as these provide the major focal points of historic interiors.

The total removal of all pews (or all ground floor pews) usually results in some objections, particularly when the pews are of an early date. The removal of later pews is often regretted because of their contribution to the character of the interior, but seldom results in a strong objection, particularly when representative examples are retained. Each case is examined on its merits. Two examples are given below:

At **Netherhay** the scheme was for the removal of all ground floor pews with some relocated to the perimeter of the worship area. The purpose was to create a flexible space to allow greater use by the relatively scattered rural community. No objections were raised.

The scheme at **Melville** included the removal of all the ground floor pews. Only English Heritage regretted the loss of the pews but raised no formal objection.

The idea of a full horizontal sub-division of galleried chapels, with an upper-level worship area and ancillary rooms below, remains a popular approach for many of our congregations. It is seen as a particularly practical way of reducing the maintenance and running costs of a large volume. Such an approach is often the most damaging type of alteration that can be considered for a historic chapel interior, as it usually destroys the sense of space, alters the proportion and results in the loss of the majority of the fittings. It is therefore not surprising that the various consultees almost always put up very strong objections to such schemes.

Internal alterations to ancillary premises are generally uncontroversial, but extensive demolition or new extensions can be more difficult. Many of our schoolrooms and ancillary spaces are of later date than the associated chapels, are to the rear, and are of lesser architectural value. If, however, they form part of the

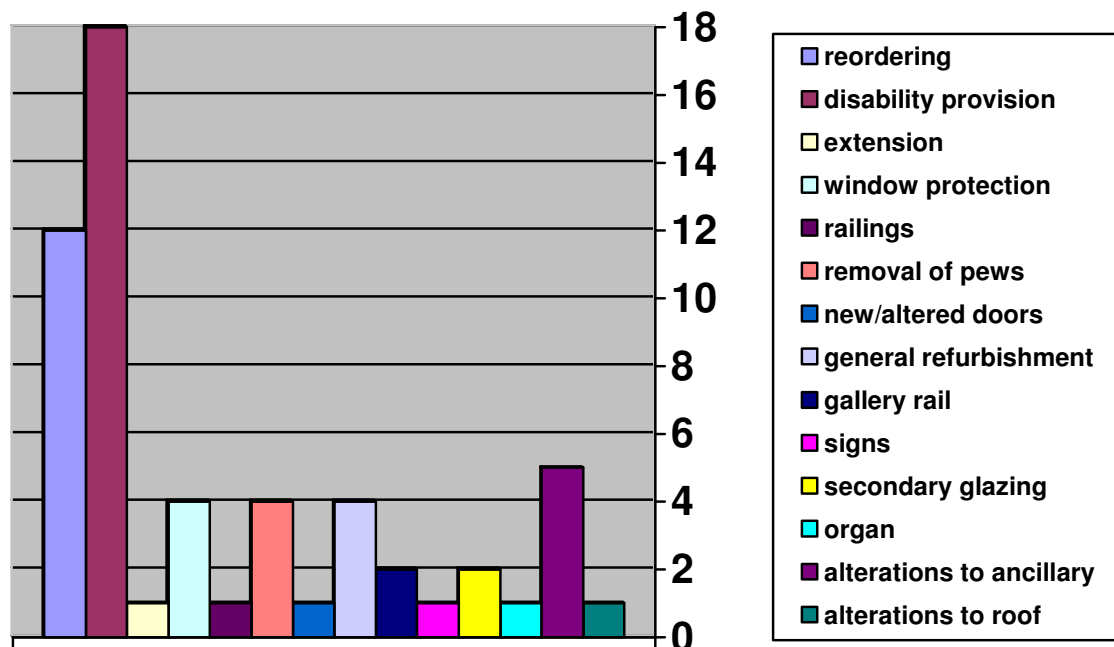
curtilage of a listed building then they too are "listed" and may not be altered or demolished without consent under Standing Orders.

Again, buildings in conservation areas may make a valuable contribution to the character of the area and careful consideration will need to be given for proposals to alter or demolish them. In some cases, however, the schoolroom is the earliest building on the site, having originally been the chapel. Also by the late nineteenth century whole complexes of chapel, halls, vestries and other spaces were being designed as a unified whole. In these situations alterations and extensions may not be straightforward.

As a result of the Disability Discrimination Act, accessibility is an issue of growing significance. Many of our older chapels were badly designed in terms of providing access for all, and finding ways of overcoming shortcomings may not be straightforward. Eighteen of the schemes dealt with were solely or principally concerned with the provision of facilities for those with disabilities. There is sometimes a tension between the need to provide access and the impact on the character of a listed building. Difficulties often occur where the main elevation of the building is symmetrical. A number of the schemes received required some amendment to minimise their impact on the appearance of the listed building.

The following table illustrates the main types of scheme received during the year.

**Table 2**



## Guidance Notes

A series of guidance notes has been produced to assist managing trustees when considering alterations to a listed chapel. Some of the main topics are listed below. It is intended that further notes will be produced to cover other topics as required.

1. A guidance note on the subject of removal of pews was agreed by the Connexional Property Committee on 1/10/96 and has been updated regularly since.
2. It is the general practice that where consent is given to remove fittings of significance, it is a condition of the consent that a photographic record is made prior to removal. A detailed guidance note setting out the required standard is issued with the approval notice where appropriate. This requires a set of archive photographs to be deposited with the Methodist Property Office and with a local archive such as the County Records Office. During the year, two approvals had this condition imposed. Where consent is granted for the removal of fittings, a standard condition is imposed requiring that the fittings are to be offered for sale if they are not to be used elsewhere. In the case of the wholesale removal of pews, samples are to be retained within the building.
3. Where Managing Trustees intend to submit an application for significant changes to a listed chapel they are now required to prepare Statements of Significance and Need to accompany the application. These are to be two separate documents, one balancing the other. The purpose of this is twofold:
  - i. To help the church to assess in their own words the things which comprise the special significance of their building, be they architectural features, fine furnishings, an attractive setting or a high quality organ, and to contrast and compare this with the perceived needs which are to be fulfilled through the proposal.
  - ii. To enable those charged with considering the application, (the LBAC, secular authorities and interest groups), to form their opinions quickly and fairly, equipped with the basic facts, secure in the knowledge that the church has a clear idea of its chosen direction and the consequences of this.

The response to this requirement has been encouraging, with many helpful submissions, all of which have assisted with the decision making process.

4. A guidance note is available "Disability Access Provision in Historic Chapels", which gives guidance on the range of measures which should be considered.

#### Liaison with English Heritage/CADW

The impact of the opening of the nine English Heritage regional offices on the consultation response rate has been maintained. In 1999 there was a response rate of 39% to consultations. During 2000 the rate had shown a marked improvement, up to 61%. In 2001 there was a further improvement to 70%. In 2002 the rate increased to a commendable 87%. 2003 saw a further improvement to 94%. In 2004 the response rate dropped slightly to 91%. The reorganisation of the regional offices has had no marked impact on the response rate which remains high at 90%.

Marion Barter of the Manchester office of English Heritage resigned from her post and, consequently, as the officer responsible for liaison with the Methodist Church. Her replacement is Julian Holder.

In Wales, Cadw has continued to give us advance notice of buildings proposed for listing. This welcome procedure has enabled dialogue to take place with managing trustees so that the implications of listing are fully understood. It has also resulted in revisions to list descriptions and clear statements of the extent of the listed items. The long-awaited review of the listing process in England has, thankfully, resolved the long-standing problem of spot-listing. The responsibility for listing has now passed to English Heritage and full consultation is now carried out as a matter of course.

#### Review of Ecclesiastical Exemption

The announcement by the Department for Culture Media and Sport after the second review of Ecclesiastical Exemption that the Exemption would continue was welcomed. Negotiations are continuing with English Heritage regarding the establishment of Heritage Protection Partnership Agreements (HPPAs) which is one of the innovations introduced by the review.

#### Photographic Database

The Property Office has an extensive collection of photographs and slides of chapels. In the long term it is intended that the photographs of listed buildings will be available for viewing via the Internet. The photos are linked to data about the buildings themselves, including the list description. The process of digitising the historic collection is now complete. The scanning of the slides continues but it is likely to be some time before the final system is available. In the meantime, work continues on newly received material and identifying gaps in the collection which need to be filled.

### “A Stitch in Time”

During 2002 a new grant scheme was introduced specifically aimed at essential repairs to listed buildings. The purpose is to encourage managing trustees to look, not just at maintenance and repairs which may be necessary, but also general improvements. Strict criteria are applied so that deliberate neglect or lack of diligence in carrying out the recommendations of the quinquennial report is not rewarded. In 2005 grants totalling £21,500 were offered towards eleven schemes with an overall value of £385,000. This was an increase on the previous year.

### Listed Building Fund

Twenty-seven grant offers worth £41,800 were made during the year. Most were to help with the additional costs resulting from the need for higher specifications for repair, renewal and alteration. The most unusual case was the repair of a listed lych gate at **St Andrews, Whitchurch**.

### Conclusion

In general terms the system appears to be working well. Continuing publicity seems to have been effective and there is a general recognition of the way the system works. It must be recorded, however, that despite regular reminders, there is still ignorance in some quarters about the correct procedures to be followed. It is vital that District and Circuit Officers continue to give procedural guidance as appropriate to improve the level of awareness. A careful check of Schedule 1 generally identifies potential problems with listed and conservation area chapels. It continues to be the case that most schemes considered under the Ecclesiastical Exemption procedures are uncontroversial and can be approved without any appreciable delay. Where the concerns of the conservation bodies and the LBAC have been raised it has generally been possible to find a way forward which respects the character of the building and still meets the aspirations of the congregation. This has been achieved as much by the ingenuity of architects as the commendable willingness of the managing trustees and congregation to consider other solutions.

Inevitably there are aspects of some schemes where it is not possible to reconcile the requirements of the local congregation and the wishes of the statutory consultees. To help minimise such areas of potential conflict we recommend early consultation with the Conservation Section whenever a scheme is being considered.

IS/PH April 2006